

EXHIBIT A2

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13 Apple Inc.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION
18

19 COREPHOTONICS, LTD.,

20 Plaintiff,

21 v.

22 APPLE INC.,

23 Defendant.
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26
27
28

Case No. 5:18-cv-02555-LHK

**FIRST AMENDED ANSWER TO
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

FIRST AMENDED ANSWER

1
2
3 1. Defendant Apple Inc. (“Apple”), answer the Amended Complaint filed by Plaintiff
4 Corephotonics, Ltd. (“Corephotonics”). Each allegation not expressly admitted is denied. The
5 following numbered paragraphs of this Answer correspond to the numbered paragraphs in the
6 Amended Complaint, other than with respect to the affirmative defenses, counterclaims, jury demand
7 set forth herein, and the Prayer for Relief.

NATURE OF THE ACTION

8
9 2. Apple admits that this purports to be a civil action for patent infringement under 35
10 U.S.C. § 1, et seq.

11 3. Apple admits that U.S. Patent No. 9,568,712 (the “’712 patent”) is entitled “Miniature
12 Telephoto Lens Assembly.” Apple further admits that the face of the ’712 patent indicates that it
13 issued on February 14, 2017. Apple further admits that the face of the ’712 patent indicates that
14 Corephotonics was the assignee of the patent on the date of issuance, but Apple is without sufficient
15 information to admit or deny whether Corephotonics is the legal owner of the ’712 patent. Apple
16 further admits that Exhibit A is a copy of the ’712 patent. Except as expressly admitted, Apple denies
17 the remaining allegations in paragraph 3.

18 4. Apple admits that U.S. Patent No. 9,857,568 (the “’568 patent”) is entitled “Miniature
19 Telephoto Lens Assembly.” Apple further admits that the face of the ’568 patent indicates that it
20 issued on January 2, 2018. Apple further admits that the face of the ’568 patent indicates that
21 Corephotonics was the assignee of the patent on the date of issuance, but Apple is without sufficient
22 information to admit or deny whether Corephotonics is the legal owner of the ’568 patent. Apple
23 further admits that Exhibit B is a copy of the ’568 patent. Except as expressly admitted, Apple denies
24 the remaining allegations in paragraph 4.

25 5. Apple denies the allegations in paragraph 5.

THE PARTIES

26
27
28 6. Apple is without sufficient information to admit or deny the allegations in paragraph 6

1 and therefore denies them.

2 7. Apple admits that Apple is a corporation organized and existing under the laws of the
3 State of California. Apple denies that its principal place of business is 1 Infinite Loop, Cupertino,
4 California. Apple's principal place of business is One Apple Park, Cupertino, California.

5
6 **JURISDICTION AND VENUE**

7 8. Apple admits that based on the allegations in the First Amended Complaint, this Court
8 would appear to have subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and
9 1338(a).

10 9. Apple admits that it is subject to this Court's personal jurisdiction for the purposes of
11 this action. Apple admits that it resides in and has its principal place of business in the Northern
12 District of California. Apple denies that it has committed any acts of patent infringement. Apple
13 admits that it has sold and offered for sale Apple products and services in the Northern District of
14 California. Except as expressly admitted, Apple denies the remaining allegations in paragraph 9.

15 10. Apple admits that venue is proper in the Northern District of California for the purposes
16 of this action. Apple admits that it resides in and has a place of business in this District. Apple denies
17 that it has committed any acts of patent infringement. Except as expressly admitted, Apple denies the
18 remaining allegations in paragraph 10.

19 **INTRADISTRICT ASSIGNMENT**

20 11. Apple admits that Civil L.R. 3-2(c) states that cases involving "Intellectual Property
21 Rights" are assigned on a district-wide basis. Except as expressly admitted, Apple denies the
22 remaining allegations in paragraph 11.

23 **FACTUAL ALLEGATIONS**

24 **A. Corephotonics' Alleged Dual Camera Technology Innovations**

25 12. Apple is without sufficient information to admit or deny the allegations in paragraph
26 12 and therefore denies them.

27 13. Apple is without sufficient information to admit or deny the allegations in paragraph
28 13 and therefore denies them.

14. Apple is without sufficient information to admit or deny the allegations in paragraph 14 and therefore denies them.

15. Apple is without sufficient information to admit or deny the allegations in paragraph 15 and therefore denies them.

16. Apple admits that certain United States patents appear to be assigned to Corephotonics, including the '712 and '568 patents (collectively, the "Asserted Patents"). Apple is without sufficient information to admit or deny the remaining allegations in paragraph 16 and therefore denies them.

17. Apple admits that the web site cited in Footnote 1 contains the first quotation listed in paragraph 17. Apple is without sufficient information to admit or deny the remaining allegations in paragraph 17 and therefore denies them.

18. Apple is without sufficient information to admit or deny the allegations in paragraph 18 and therefore denies them.

19. Apple admits that it had discussions with Corephotonics regarding potential business arrangements. Apple admits that it has independently developed and sold iPhones with two cameras. Apple denies that its independently developed iPhones with two cameras employ any Corephotonics intellectual property. Apple is without sufficient information to admit or deny the remaining allegations in paragraph 19 and therefore denies them.

B. Apple's Alleged Interest in Corephotonics' Technology and Intellectual Property

20. Apple admits that Apple personnel had discussions with Corephotonics personnel. Apple is without sufficient information to admit or deny the remaining allegations in paragraph 20 and therefore denies them.

21. Apple admits that Apple personnel attended meetings with Corephotonics personnel to discuss a potential business arrangement. Apple is without sufficient information to admit or deny the remaining allegations in paragraph 21 and therefore denies them.

22. Apple admits that Apple personnel attended meetings with Corephotonics personnel to discuss a potential business arrangement. Apple is without sufficient information to admit or deny the remaining allegations in paragraph 22 and therefore denies them.

23. Apple admits that Apple personnel attended meetings with Corephotonics personnel

1 to discuss a potential business arrangement. Apple is without sufficient information to admit or deny
2 the remaining allegations in paragraph 23 and therefore denies them.

3 24. Apple is without sufficient information to admit or deny the allegations in paragraph
4 24 and therefore denies them.

5 25. Apple is without sufficient information to admit or deny the allegations in paragraph
6 25 and therefore denies them.

7 26. Apple admits that Apple personnel attended meetings with Corephotonics personnel
8 to discuss a potential business arrangement. Apple is without sufficient information to admit or deny
9 the allegations in paragraph 26 and therefore denies them.

10 27. Apple admits that Apple personnel attended meetings with Corephotonics personnel
11 to discuss a potential business arrangement. Apple is without sufficient information to admit or deny
12 the allegations in paragraph 27 and therefore denies them.

13 28. Apple is without sufficient information to admit or deny the allegations in paragraph
14 28 and therefore denies them.

15 29. Apple is without sufficient information to admit or deny the allegations in paragraph
16 29 and therefore denies them.

17 30. Apple is without sufficient information to admit or deny the allegations in paragraph
18 30 and therefore denies them.

19 31. Apple is without sufficient information to admit or deny the allegations in paragraph
20 31 and therefore denies them.

21 32. Apple admits that it announced the iPhone 7 Plus on September 7, 2016. Apple
22 admits that the iPhone 7 Plus included a dual camera configuration. Apple further admits that the
23 iPhone 7 Plus included a telephoto lens. Apple is without sufficient information to admit or deny
24 the remaining allegations in paragraph 32 and therefore denies them.

25 33. Apple admits that Apple personnel attended meetings with Corephotonics personnel
26 to discuss a potential business arrangement. Apple is without sufficient information to admit or deny
27 the allegations in paragraph 33 and therefore denies them.

28 34. Apple is without sufficient information to admit or deny the allegations in paragraph

1 34 and therefore denies them.

2 35. Apple admits that Corephotonics sent an email on or about October 31, 2017 alleging
3 that the iPhone 7 Plus and iPhone 8 Plus allegedly infringed, among other patents, the '712 patent,
4 but the email provided no information supporting Corephotonics' allegations. Apple admits that the
5 '568 patent did not issue until January 2, 2018. Apple denies the allegation that Apple did not
6 respond to Corephotonics' October 31, 2017 email. Except as expressly admitted, Apple denies the
7 remaining allegations in paragraph 35.

8 36. Apple admits that Corephotonics filed the original Complaint in *Corephotonics, Ltd.*
9 *v. Apple Inc.*, Case No. 5:17-cv-06457-LHK on November 6, 2017 (the "*Corephotonics I*
10 Complaint") and that case is pending before the Honorable Judge Lucy Koh. Apple admits that the
11 *Corephotonics I* Complaint alleged that the iPhone 7 Plus infringed the '712 patent. Except as
12 expressly admitted, Apple denies the remaining allegations in paragraph 36.

13 37. Apple admits that Corephotonics sent a letter alleging that the iPhone X infringes the
14 '712 and '568 patents and that the iPhone 7 Plus and iPhone 8 Plus infringes the '568 patent, but the
15 letter provided no information supporting Corephotonics' allegations. Except as expressly admitted,
16 Apple denies the remaining allegations in paragraph 37.

17 **C. Apple's Alleged Analysis of Corephotonics' Patents and Patent Applications During**
18 **Apple's Pursuit of its Own Patents**

19 38. Apple admits that its sought patent protection for its own inventions. Apple does not
20 understand Corephotonics' allegation that "During this time, Corephotonics' patents and related patent
21 applications were significant in the art," and therefore denies the allegation. Apple is without
22 sufficient information to admit or deny the remaining allegations in paragraph 38 and therefore denies
23 them.

24 39. Apple admits that it filed U.S. Patent Application No. 14/069,027 (the "'027
25 application"). Apple admits that the '027 application later issued as U.S. Patent No. 9,223,118. Apple
26 admits that an office action was issued dated February 18, 2015 rejecting the pending claims in the
27 '027 application based on U.S. Pat. App. Pub. No. 2015/0029601A1 (the "Dror application"). Apple
28 admits that the Dror application claims priority to the same patent application as the '712 and '568

1 patents. Apple admits that it responded to the February 18, 2015 office action on May 15, 2015 and
 2 addressed the rejection based on the Dror application. Apple admits that Romeo Mercado is a named
 3 inventor on the '027 application. Apple admits that Romeo Mercado was employed by Apple at the
 4 time of the introduction of the iPhone 7 Plus. Apple denies that Romeo Mercado is currently an
 5 employee of Apple. Apple is without sufficient information to admit or deny the remaining allegations
 6 in paragraph 39 and therefore denies them.

7 40. Corephotonics does not identify which application it is referring to when it uses the
 8 short form "'720 application." Therefore, Apple is without sufficient information to admit or deny the
 9 allegations in paragraph 40 and therefore denies them.

10 41. Corephotonics does not identify which application it is referring to when it uses the
 11 short form "'720 application," "'716 application" or "'136 application." Therefore, Apple is without
 12 sufficient information to admit or deny the allegations in paragraph 41 and therefore denies them.

13 **FIRST CAUSE OF ACTION**

14 **Alleged Infringement of Patent No. 9,568,712**

15 42. Apple incorporates its responses to the foregoing paragraphs as though fully set forth
 16 herein.

17 43. Apple denies the allegations in paragraph 43.

18 44. Apple denies that it infringes any valid claim of the '712 patent and therefore denies
 19 the allegations in paragraph 44.

20 45. Apple denies that it has infringed or continues to infringe the '712 patent. Apple denies
 21 that any alleged infringement of the '712 patent has been or continues to be wanton, deliberate,
 22 egregious, and willful. In view of the lack of specificity in the remaining allegations in paragraph 45,
 23 Apple is without sufficient information to admit or deny the remaining allegations in paragraph 45 and
 24 therefore denies them.

25 46. Apple admits that Corephotonics sent an email on or about October 31, 2017 alleging
 26 that the iPhone 7 Plus and iPhone 8 Plus allegedly infringed, among other patents, the '712 patent, but
 27 the email provided no information supporting Corephotonics' allegations. Apple admits that
 28 Corephotonics filed the original Complaint in *Corephotonics, Ltd. v. Apple Inc.*, Case No. 5:17-cv-

06457-LHK on November 6, 2017 (the “*Corephotonics I* Complaint”). Apple admits that the *Corephotonics I* Complaint alleged that the iPhone 7 Plus infringed the ’712 patent. Apple admits that before this action was filed, Corephotonics sent a letter alleging that the iPhone X infringes the ’712 patent, but the letter provided no information supporting Corephotonics’ allegations. Except as expressly admitted, Apple denies the remaining allegations in paragraph 46.

47. Apple denies the allegations in paragraph 47.

48. Apple denies the allegations in paragraph 48.

49. Apple denies the allegations in paragraph 49.

50. Apple denies the allegations in paragraph 50.

51. Apple admits that it publishes information about and provides instructions to end users about the telephoto lens functionality in the iPhone X. Apple further admits that it discussed the telephoto lens functionality of the iPhone X at the website: <https://www.apple.com/iphone-x/>. Apple further admits that video tutorials about photography with Apple iPhone products are available, including a video titled “How to compose with telephoto camera” available at: <https://www.apple.com/iphone/photography-how-to/>. Apple denies the remaining allegations in paragraph 51.

52. Apple denies the allegations in paragraph 52.

53. Apple denies the allegations in paragraph 53.

54. Apple denies the allegations in paragraph 54

SECOND CAUSE OF ACTION

Alleged Infringement of Patent No. 9,857,568

55. Apple incorporates its responses to the foregoing paragraphs as though fully set forth herein.

56. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 56.

57. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies that it infringes any valid claim

of the '568 patent and therefore denies the allegations in paragraph 57.

58. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies that it infringes any valid claim of the '568 patent and therefore denies the allegations in paragraph 58.

59. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies that it has infringed or continues to infringe the '568 patent. Apple denies that any alleged infringement of the '568 patent has been or continues to be wanton, deliberate, egregious, and willful. In view of the lack of specificity in the remaining allegations in paragraph 59, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 59 and therefore denies them.

60. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple admits that Corephotonics filed the original Complaint in *Corephotonics, Ltd. v. Apple Inc.*, Case No. 5:17-cv-06457-LHK on November 6, 2017 (the "*Corephotonics I* Complaint"). Apple admits that the *Corephotonics I* Complaint alleged that the iPhone 7 Plus infringed the '712 patent. Apple admits that before this action was filed, Corephotonics sent a letter alleging that the iPhone 7 Plus and iPhone 8 Plus infringes the '712 patent, but the letter provided no information supporting Corephotonics' allegations. Except as expressly admitted, Apple denies the remaining allegations in paragraph 60.

61. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 61.

62. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 62.

63. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 63.

64. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 64.

65. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple admits that it publishes information about

1 and provides instructions to end users about the telephoto lens functionality in the iPhone 7 Plus,
 2 iPhone 8 Plus and iPhone X. Apple further admits that it discussed the telephoto lens functionality of
 3 the iPhone X at the website: <https://www.apple.com/iphone-x/>. Apple further admits that it discusses
 4 the telephoto lens functionality of the iPhone 7 Plus and iPhone 8 Plus at the websites:
 5 <https://www.apple.com/iphone-7/specs/> and <https://www.apple.com/iphone-8/specs/>. Apple further
 6 admits that video tutorials about photography with Apple iPhone products are available, including a
 7 video titled “How to compose with telephoto camera” available at:
 8 <https://www.apple.com/iphone/photography-how-to/>. Apple further admits that it discussed the
 9 benefits of the telephoto lens functionality in the iPhone 7 Plus in the video available at the following
 10 URL: https://www.youtube.com/watch?v=NS0txu_Kzl8. As of the date of this Answer, no video is
 11 available at the following URL: <https://www.youtube.com/watch?v=Q6dsRpVyyWs>; therefore,
 12 Apple is without sufficient information to admit or deny the allegation relating to this URL. Apple
 13 denies the remaining allegations in paragraph 65.

14 66. This patent is no longer part of the case and has been found invalid. To the extent a
 15 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 66.

16 67. This patent is no longer part of the case and has been found invalid. To the extent a
 17 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 67.

18 68. This patent is no longer part of the case and has been found invalid. To the extent a
 19 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 68.

20 **RESPONSE TO PRAYER FOR RELIEF**

21 Apple incorporates by reference all preceding paragraphs of this answer as if fully set forth
 22 herein. Apple denies any and all allegations of patent infringement alleged in the Complaint. Apple
 23 denies all allegations that Plaintiff is entitled to any relief requested in paragraphs “A” to “F” of the
 24 Complaint’s Prayer for relief, or any other relief.

25 **AFFIRMATIVE DEFENSES**

26 Pursuant to Federal Rule of Civil Procedure 8(c), and without altering any applicable burdens
 27 of proof, Apple asserts the following defenses to the Complaint and reserves its right to assert
 28 additional defenses.

FIRST DEFENSE – NON-INFRINGEMENT

Apple does not infringe and has not infringed any asserted claim of the Asserted Patents. The accused Apple products do not satisfy the requirements of the asserted claims, and the asserted claims are invalid and therefore cannot be infringed. In addition, on information and belief, Apple cannot be found to infringe any asserted claim of the Asserted Patents after Corephotonics' acquisition by Samsung Electronics Benelux B.V. based

SECOND DEFENSE – INVALIDITY

All asserted claims of the Asserted Patents are invalid for failure to satisfy the conditions of patentability in 35 U.S.C. §§ 101 et seq., including, but not limited to §§ 101, 102, 103, and/or 112.

THIRD DEFENSE – EQUITABLE DEFENSES

Corephotonics' claims are barred, in whole or in part, by estoppel, acquiescence, waiver, unclean hands, and/or other equitable defenses. For example, on information and belief, Corephotonics is estopped from pursuing its claims for infringement of the Asserted Patents based on

[REDACTED]

In 2019, Corephotonics was acquired by Samsung Electronics Benelux B.V. (“Samsung Benelux”). On information and belief, Corephotonics and [REDACTED] are both controlled by or under common control with Samsung Electronics Co., Ltd. (“SEC”) and/or the Samsung Group. For example, SEC reports in its financial statements that it is the holder of 100% ownership in (1) Samsung Benelux and (2) Corephotonics, where the percentage ownership “represents [SEC’s] ownership of the voting rights in each entity, including subsidiaries’ ownerships.” See Samsung Electronics Co., Ltd. 2022 Business Report for the year ended December 31, 2022. Similarly, [REDACTED] identifies SEC as a “related party” and a company “with significant influence” on [REDACTED]. See [REDACTED]. [REDACTED] SEC and [REDACTED] have also been identified as affiliates of the Samsung Group. A business group, like the Samsung Group, is defined under applicable Korean law as “a group of companies the business of which is substantially controlled by” the same person and/or company. See https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=41658&type=sogan&key=38.

Apple has performed all obligations under the underlying agreement [REDACTED]. [REDACTED] Accordingly, as of the date of Samsung Benelux’s acquisition of Corephotonics, the Patents-in-Suit [REDACTED]. [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] Apple is materially prejudiced by Corephotonics' continued assertion of the
 2 Patents-in-Suit despite this [REDACTED]

3 On information and belief, Corephotonics' claims in this action are also barred by the doctrine
 4 of unclean hands. Corephotonics has been aware of [REDACTED]
 5 [REDACTED], yet Corephotonics has acted unfairly and/or fraudulently
 6 regarding its claims of patent infringement in this action. Corephotonics has not only refused to
 7 acknowledge its obligations to Apple, but Corephotonics and its related Samsung entities have also
 8 improperly resisted Apple's discovery efforts to obtain information about Corephotonics' relationship
 9 with SEC and other Samsung entities. Corephotonics' conduct directly relates to the claims being
 10 asserted against Apple in that [REDACTED] would provide a complete defense.
 11 Corephotonics' actions have injured Apple, at least because Apple has been forced to continue to
 12 defend against Corephotonics' meritless claims.

13 **FOURTH DEFENSE – NO WILLFULNESS**

14 Corephotonics is barred from obtaining a finding of willfulness or receiving enhanced damages
 15 because it has failed to allege egregious conduct on the part of Apple, which is prerequisite for a
 16 finding of willfulness and an award of enhanced damages.

17 **FIFTH DEFENSE – LIMITATION ON DAMAGES**

18 Corephotonics' claims for costs and/or damages are barred, in whole or in part, by 35 U.S.C.
 19 §§ 286, 287 and/or 288. On information and belief, Corephotonics' claims for costs and/or damages
 20 are also limited by [REDACTED]
 21 [REDACTED].

22 **RESERVATION OF RIGHTS**

23 Apple hereby reserves the right to amend its Answer and reserves all defenses set out in Rule
 24 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other
 25 defenses, at law or in equity, which become applicable after the substantial completion of discovery
 26 or otherwise in the course of litigation.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Apple prays that this Court enter judgment:

1 A. In favor of Apple, and against Corephotonics, thereby dismissing Corephotonics'
2 Complaint in its entirety, with prejudice, with Corephotonics taking nothing by way of its claims;

3 B. That Apple has not infringed, and is not now infringing any valid claim of the Asserted
4 Patents, under any subsection of 35 U.S.C. § 271;

5 C. That all asserted claims of the Asserted Patents are invalid and/or unenforceable;

6 D. That this case stands out from others and as such is an exceptional case pursuant to 35
7 U.S.C. § 285 and ordering Corephotonics to pay Apple's reasonable attorneys' fees incurred in this
8 action;

9 E. That Corephotonics pay all costs incurred by Apple in this action; and awarding Apple all
10 other relief that the Court deems just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Apple respectfully requests a trial by jury on all issues so triable.
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1 Dated: ~~October 15, 2018~~

COOLEY LLP

2 /s/ Heidi Keefe

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14 *Attorneys for Defendant Apple Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served on [the date of the filing], with a copy of this document via the Court's CM/ECF system per Local Rules. Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or first class mail on this date.

By: /s/ Heidi Keefe